

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DEWEY KEITH VENABLE,)	Civil Action No. 7:14cv00295
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
WARDEN RANDALL)	
MATHENA, et al.,)	By: Norman K. Moon
Defendants.)	United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that Venable's second pending motion to amend (Docket No. 112) is **GRANTED**; the other pending motions to amend (Docket Nos. 100, 116, 117) are **DENIED**; defendants Unit Manager Swiney, Lt. Franklin, and Sgt. Miller's motion to dismiss (Docket No. 120) is **DENIED in part** as to the claim about living conditions and is **GRANTED in part** as to the claim about receiving an informal complaint form; defendant McCoy's motion for summary judgment (Docket No. 80) is **GRANTED in part** as to the retaliation claim and the claim about the conditions of confinement between September 2013 and July 2014, and it is **DENIED in part** as to conditions of confinement claim and bystander liability claim arising from the events of April 23-24, 2013; defendants Bentley, Collins, Deel, Mathena, Mullins, and Vitatoe's motion for summary judgment (Docket No. 41) is **GRANTED in part** as to the claims against Mathena, and it is **DENIED in part** as to the excessive force and bystander claims against Bentley, Collins, Deel, Mullins, and Vitatoe.

The Clerk shall send copies of this order and the accompanying memorandum opinion to the parties.

ENTER: This 23rd day of September, 2015.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE